IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(Crl.).No. 190 of 2007(S)

PETITIONER:

K.C.CHACKO, S/O.M.V.CHACKO,
AGED 65 YEARS, KOMATTU HOUSE, KAVUNGAMPRAYAR,
PURAMATTOM, PATHANAMTHITTA.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS:
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1. THE DISTRICT SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

2. CIRCLE INSPECTOR OF POLICE,
KOZHENCHERRY, PATHANAMTHITTA DISTRICT.

3. SUB INSPECTOR OF POLICE,
KOIPURAM POLICE STATION, KOIPURAM,
PATHANAMTHITTA.

4. LINDA ANN JACOB, D/O.VARGHESE
KALATHOORAN, KALATHOOR HOUSE, NARANGANAM VILLAGE,
NARANGANAM WEST, KOZHENCHERRY.

5. VARGHESE KALATHOORAN, KALATHOOR HOUSE,
NARANGANAM VILLAGE, NARANGANAM WEST, KOZHENCHERRY.

6. SOPHY VARGHESE, W/O.VARGHESE KALATHOORAN
KALATHOOR HOUSE, NARANGANAM VILLAGE,
NARANGANAM WEST, KOZHENCHERRY.

BY ADV. SRI.S.R.DAYANANDA PRABHU

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(CRL).190 OF 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: COPY OF COMPLAINT DT.7.8.2007 PREFERRED BY THE PETITIONER.

EXHIBIT P2: COPY OF COMPLAINT DT.7.8.07 PREFERRED BY THE SCHOOL MANAGER

/TRUE COPY/

PA TO JUDGE

P.R.RAMAN & K.HEMA, JJ.

W.P.(Crl.)NO.190 OF 2007

Dated this the 13th day of August, 2007

O R D E R

Raman,J.

Pursuant to the order dated 10/8/2007, the parties appeared. The learned Government Pleader submits that a report will be filed regarding the steps taken pursuant to the complaint received from the petitioner. As per the judgment dated 3rd July, 2007 in W.P.(Crl.) No.145/2007, this Court found that the custody of the child with the petitioners, who are paternal grand-parents, is not illegal and we left the parties to approach the Family Court for further relief, if there is any grievance remaining to be redressed. The allegation in the present writ petition is that while the child was going to the school in the school bus on 7/8/2007 respondents 4 to 6 along with their henchmen kidnapped the child from the school bus.

2. In the counter affidavit filed by respondents 4 to 6, they denied the said allegation and according to them, the mother, who was proceeding to Pala to meet mother's sister, then the child saw her from the bus and he started shouting and crying to accompany her. Even though she pacified her child, he was not willing to proceed to the

school. Since there is already a complaint lodged by the petitioner alleging kidnapping of the child, we await a report from the police. But, admittedly, the child was with the petitioner before the alleged incident.

2. In the circumstances, status quo ante is to be maintained and hence the child is put in the custody of the petitioner. The Circle Inspector of Police (2nd respondent herein) shall file a detailed report based on the investigation so far conducted. During the pendency of the proceedings and while the child is thus in the custody of the petitioner, respondents 4 to 6 or anybody through them shall not in any way interfere with such custody. The Police shall give necessary protection to the petitioner and child for their peaceful living.

Call on 23/8/2007.

P.R.RAMAN,
Judge.

K.HEMA,
Judge.

kcv.